



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/503,508 02/14/00 HANSEN

P 02052-087001

EXAMINER

TM02/0327

Diana DiBerardino
Fish & Richardson PC
601 13th Street NW
Washington DC 20005

RAD, S

ART UNIT

PAPER NUMBER

2121
DATE MAILED:

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/503,508

Applicant(s)

Hansen, et al.

Examiner

Sheela Rao

Group Art Unit

2121



☒ Responsive to communication(s) filed on Feb 15, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-27 is/are pending in the applicat

Of the above, claim(s) 16-27 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 3, & 7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. Applicant's response to the restriction requirement has been entered. Claims 1-15, Group I, have been elected.
2. Claims 1-15 are presented for examination.
3. Applicant's submission of references on form PTO-1449, paper nos. 2, 3, and 7, have been considered. A signed copy of each form is attached.

Election/Restriction

4. Claims 16-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in Paper No. 6.
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

6. This application has been filed with informal drawings which are acceptable for examination purposes only. See form PTO-948 for objections made by the draftsman.

Claim Objections

7. Claim 3 recites the limitation "the measured flow rate" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant is advised to amend "the" to -- a -- to overcome the lack of antecedence.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Haines, et al. (USPN 5,251,148).

Haines, et al. (hereinafter referred to as "Haines") teach of an integrated process control valve capable of controlling the flow of fluid through the valve. The valve includes an actuator responsive to control signals for moving the throttling element or valve.

Haines teaches the control of the flow rate of a fluid by the position of the valve as claimed in claims 1, 2, and 4 in column 2 at lines 36-51. The disclosure states that pressure sensors are disposed at the inlet and outlet of the valve body for producing values representing the pressure of the fluid at the respective locations. A utilization device receives these measurements

and develops signals to adjust or control movement of the throttling element or valve accordingly, in response to the estimated and/or calculated values.

As per the limitations for the calculating steps, claims 3, 5-7, 9-11, and 13-15, the claims of the patented invention disclose the features of the instant claims by expressing the variables for calculating the parameters, i.e. pressure and temperature, of the control method as claimed. See patented claims 1-10 in columns 8-10.

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Millar	4,581,707
Hilton	6,189,564 B1
Reynal, et al.	5,455,781

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Tuesday - Thursday from 9:00 am to 3:00 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Grant, can be reached on (703) 308-1108.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 308-9051 or (703) 308-6296

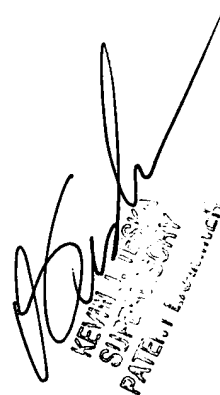
**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).**

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Sheela S. Rao
March 23, 2001

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SUPERVISOR
PATENT EXAMINER